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FILED
AUG 22 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 876 U

UNITED STATES OF AMERICA, Plaintiff, v. Jaqueline GUERRERO-Avila, Defendant.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about August 21, 2008, within the Southern District of California, defendant Jaqueline GUERRERO-Avila, did knowingly and intentionally import approximately 14.22 kilograms (31.28 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

[signature]
MATHEW KELLEY
Special Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF AUGUST 2008.

[signature]
PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA

v.

Jaqueline GUERRERO-Avila

STATEMENT OF FACTS

This complaint is based on the personal observations, investigation and information provided to Immigration & Customs Enforcement Special Agent Mathew Kelley.

On August 21, 2008, at approximately 0755 hours, Jaqueline GUERRERO-Avila (GUERRERO) entered the United States at the Calexico, California, West Port of Entry. GUERRERO was the driver and sole occupant of a 2005 Ford Explorer.

GUERRERO gave a negative Customs declaration to primary Customs and Border Protection Officer (CBPO) Silva. CBPO Silva noticed the vehicle had no crossings and it was from out of the area. GUERRERO stated she purchased the vehicle for $2000.00 the night before and she was on her way to the DMV, from her sister's house, to register it. When CBPO Silva would question her as to the location of her sister's house, GUERRERO would change the subject. CBPO Silva walked GUERRERO and the vehicle to the Vehicle Secondary lot.

Secondary CBPO Morris received a negative Customs declaration from GUERRERO. GUERRERO stated that she was on her way to the DMV and she had purchased the vehicle the day before.

During secondary inspection, the vehicle was screened by a Canine Enforcement Officer and a Narcotics Detection Dog (NDD). The NDD alerted to the presence of the odor of drugs in the vehicle.

During an intensive inspection, of the vehicle a total of nine (9) packages was discovered concealed in a non-factory compartment in the cargo area of the vehicle. One of the packages was probed by CBP Officer Morris producing a green leafy substance, which field-tested positive for marijuana. The 9 packages of marijuana had a combined net weight of approximately 14.22 kilograms (31.28 pounds).

GUERRERO was placed under arrest and advised of her Miranda Rights, which she acknowledged and waived, agreeing to answer questions without an attorney present. GUERRERO stated that she was told that she would be paid $1000.00 to pick up a vehicle in Mexicali and drive it to Los Angeles. GUERRERO stated that she was not told that narcotics would be concealed within the vehicle however; she figured that narcotics would be in the vehicle.